

REMARKS

In the February 20, 2009 Office Action, the specification was objected to and claims 1-5 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the February 20, 2009 Office Action, Applicant has amended the specification and claims 1 and 5 as indicated above. Also, claims 2 and 3 have been cancelled and claim 6 has been added. Thus, claims 1 and 4-6 are now pending, with claims 1, 5 and 6 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Specification

On page 2 of the Office Action, the specification was objected to for grammatical errors and failing to comply with 37 CFR §1.71 and 37 CFR §1.75(d)(1). In response, Applicant has amended pages 7 and 21 of the specification to correct the errors as suggested in the Office Action. Applicant believes that the specification is now correct and complies with 37 CFR §1.71 and 37 CFR §1.75(d)(1). Accordingly, withdrawal of these objections is respectfully requested.

Rejections - 35 U.S.C. § 103

In paragraphs 2-6 of the Office Action, claims 1-5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,666,015 (Uchibori et al.) in view of U.S. Patent No. 2,321,755 (Kost) and in further view of U.S. Patent No. 3,505,923 (Neill). In response, Applicants have amended independent claims 1 and 5 as mentioned above. Applicant respectfully traverses this rejection, especially in view of the Amendments to independent claims 1 and 5.

Claims 1 and 4

Independent claim 1 now requires, *inter alia*, the projection including a projected part projected from the through hole of the oil separation plate and including a cone-shaped recess

with a diameter that gradually decreases downward on an upper face of the projection, the projection being partly crushed to remain a portion of the cone-shaped recess and to integrate the oil separation plate with the end plate. Clearly this arrangement is *not* disclosed or suggested by the Uchibori et al. patent, the Kost patent and/or the Neill patent, singularly or in combination.

The Uchibori et al. patent lacks a projection that is crushed whatsoever, as acknowledged in the Office Action. The Kost patent is relied upon to disclose an integrally formed boss inserted in an aperture of another panel and then flattened to create a connection. However, the Kost patent lacks a recess formed in the upper surface of the projection, as acknowledged in the Office Action. Therefore, the Office Action relies on the Neill patent to allegedly disclose such a recess as set forth in the claims. However, the Neill patent fails to disclose or suggest the cone-shaped recess with a diameter that gradually decreases downward on an upper face of the projection, the projection being partly crushed to remain a portion of the cone-shaped recess and to integrate the oil separation plate with the end plate. Rather, in the Neill patent, the conical recess is completely deformed to a different size and shape when crushed, not to remain a portion of the cone-shaped recess, as now required by independent claim 1. Thus, even if the Uchibori et al. patent, the Kost patent and the Neill patent were somehow combined as suggested in the Office Action, the hypothetical device would not include all of the features of independent claim 1 as now amended. Accordingly, withdrawal of this rejection of independent claim 1 is respectfully requested.

Also, it is well settled in U.S. patent law that the mere fact that the prior art can be modified does *not* make the modification obvious, unless the prior art provides an *apparent reason* for the desirability of the modification. In this case, the prior art of record lacks any apparent reason, suggestion or expectation of success for further modifying the hypothetical device created by the combination to somehow result in the Applicants' unique arrangement of the cone-shaped recess with a diameter that gradually decreases downward on an upper face of the projection, the projection being partly crushed to remain a portion of the cone-shaped recess and to integrate the oil separation plate with the end plate. Accordingly, withdrawal of this rejection of independent claim 1 is respectfully requested.

Moreover, Applicant believes that dependent claim 4 is also allowable over the prior art of record in that they depend from independent claim 1, and therefore is allowable for the reasons stated above. Also, dependent claim 4 is further allowable because it includes

additional limitations, which in combination with the limitations of independent claim 1, are not disclosed or suggested in the prior art. Accordingly, withdrawal of this rejection of dependent claim 4 is also respectfully requested.

Claim 5

Independent claim 5 now requires, *inter alia*, crushing a projected part of the projection from the through hole except for a portion of the cone-shaped recess on the projection by applying a downward pressing force to the projected part so as to integrate the plate member with the supporting base plate. Clearly this arrangement is *not* disclosed or suggested by the Uchibori et al. patent, the Kost patent and/or the Neill patent, singularly or in combination.

The Uchibori et al. patent lacks a projection that is crushed whatsoever, as acknowledged in the Office Action. The Kost patent is relied upon to disclose an integrally formed boss inserted in an aperture of another panel and then flattened to create a connection. However, the Kost patent lacks a recess formed in the upper surface of the projection, as acknowledged in the Office Action. Therefore, the Office Action relies on the Neill patent to allegedly disclose such a recess as set forth in the claims. However, the Neill patent fails to disclose or suggest crushing a projected part of the projection from the through hole *except for a portion of the cone-shaped recess* on the projection by applying a downward pressing force to the projected part so as to integrate the plate member with the supporting base plate. Rather, in the Neill patent, the entire conical recess is crushed and completely deformed to a different size and shape when crushed, *not except for a portion of the cone-shaped recess*, as now required by independent claim 5. Thus, even if the Uchibori et al. patent, the Kost patent and the Neill patent were somehow combined as suggested in the Office Action, the hypothetical device would not include all of the features of independent claim 5 as now amended. Accordingly, withdrawal of this rejection of independent claim 5 is respectfully requested.

Also, it is well settled in U.S. patent law that the mere fact that the prior art can be modified does *not* make the modification obvious, unless the prior art provides an *apparent reason* for the desirability of the modification. In this case, the prior art of record lacks any apparent reason, suggestion or expectation of success for further modifying the hypothetical device created by the combination to somehow result in the Applicants' unique arrangement of the crushing a projected part of the projection from the through hole *except for a portion*

of the cone-shaped recess on the projection by applying a downward pressing force to the projected part so as to integrate the plate member with the supporting base plate. Accordingly, withdrawal of this rejection of independent claim 5 is respectfully requested.

New Claim

Applicant has added new claim 6 by the current Amendment. New claim 6 is an independent claim, which requires, *inter alia*, the projection including a projected part projected from the through hole of the oil separation plate and a recess of a flat circular hole on an upper face of the projection, *the recess of the flat circular hole has an outer diameter of about 50% of an outer diameter of the projection and a depth of 10 to 15% of the diameter of the projection*, and the projection is crushed to integrate the oil separation plate with the end plate. Advantages of this arrangement are set forth in paragraph [0032] of the instant application.

As mentioned above, the Uchibori et al. patent lacks a projection that is crushed whatsoever, as acknowledged in the Office Action. The Kost patent is relied upon to disclose an integrally formed boss inserted in an aperture of another panel and then flattened to create a connection. However, the Kost patent lacks a recess formed in the upper surface of the projection, as acknowledged in the Office Action. Therefore, the Office Action relies on the Neill patent to allegedly disclose such a recess as set forth in the claims. However, the Neill patent fails to disclose or suggest a recess shaped and dimensioned as now set forth in new independent claim 6. Accordingly, new independent claim 6 is believed to be allowable.

Also, it is well settled in U.S. patent law that the mere fact that the prior art can be modified does *not* make the modification obvious, unless the prior art provides an *apparent reason* for the desirability of the modification. In this case, the prior art of record lacks any apparent reason, suggestion or expectation of success for further modifying the hypothetical device created by the combination to somehow result in the Applicants' unique arrangement of a projected part projected from the through hole of the oil separation plate and a recess of a flat circular hole on an upper face of the projection, *the recess of the flat circular hole has an outer diameter of about 50% of an outer diameter of the projection and a depth of 10 to 15% of the diameter of the projection*, and the projection is crushed to integrate the oil separation plate with the end plate. Accordingly, new independent claim 6 is believed to be allowable.

Prior Art Citation

In the Office Action, additional prior art references were made of record. Applicant believes that these references do not render the claimed invention obvious.

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In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1 and 4-6 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested. If there are any questions regarding this Amendment, please feel free to contact the undersigned.

Respectfully submitted,

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